

## REMARKS

Claims 1, 2, 8, 9, 12-14, 22-27, 29, 32, 35, 38, 40-49, 51-55, 57, 59-61, 63, 65-68, 70, 72-83, and 102-105 have been canceled. Claims 6, 10, 16, 18, and 20 are as originally filed, and claims 4, 36, 58, and 71 are as previously presented. Claims 84-98 have been withdrawn. Claims 3, 5, 7, 11, 15, 17, 19, 21, 28, 30, 31, 33, 34, 37, 39, 50, 56, 62, 64, 69, and 99-101 have been amended; however, no new matter has been introduced.

With these amendments, claims 3-7, 10, 11, 15-21, 28, 30, 31, 33, 34, 36, 37, 39, 50, 56, 58, 62, 64, 69, 71, and 99-101 are pending.

### Claim Amendments

Claim 3 has been converted into independent form. Also, claim 3 has been amended to remove the recitation of “heteroalkyl” and “-N(R<sup>24</sup>)C(O)R<sup>26</sup>” from the definition of R<sup>5a</sup> and to correct minor errors.

Claims 5, 7, 11, 31, 33, 34, 37, 39, 101 have been amended to remove non-elected subject matter and matter outside the scope of claim 3 from which these claims ultimately depend.

Claim 15 has been converted into independent form. Also, claim 15 has been amended to remove the recitation of “halo” and “or two adjacent...” from the definition of R<sup>5a</sup> and to correct minor errors.

Claims 17, 19, 21, 56, 62, 64, and 69 have been amended to conform to the amendments to claim 15 from which these claims ultimately depend.

Claims 28, 30, and 50 have been amended to correct the claim dependency.

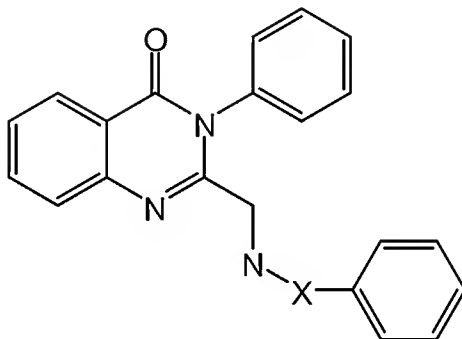
Claims 99 and 100 have been amended to depend on claims 3 or 42 and the recitation of a compound of formula (I) has been deleted.

Lastly, withdrawn claims 84, 86-88, and 93-97 have been amended to correct the claim dependency.

### Restriction/Election

The claims have been amended to recite *N*-[(4-oxo-3-phenyl-3,4-dihydroquinazolin-2-yl)methyl]benzenesulfonamide derivatives (i.e., compounds of group I where  $R^5$  is  $-\text{SO}_2\text{-R}^{11}$  group) and *N*-[(4-oxo-3-phenyl-3,4-dihydroquinazolin-2-yl)methyl]benzamide derivatives (i.e., the compounds of group II where  $R^5$  is  $-\text{C(O)R}^{23}$  group).

The Office asserts that quinazolinone ring is not a substantial structural feature and that “the combination of the quinazolinone ring together with  $\text{R}^1\text{-R}^6$  [determines] the feature essential to a method of treating various disorders.” (Office Action, p. 2. In) While the applicants traverse, this argument has been rendered moot by the amendments to the claims made herein. Now all the claimed compounds share a common utility and possess the following substantial structural feature:



where X is  $-\text{SO}_2-$  (structures III and IV) or  $-\text{C(O)}-$  (structure V). According to M.P.E.P. § 802.03, therefore, the compounds possess unity of invention.

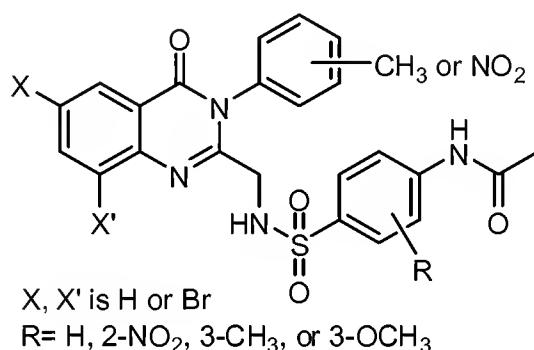
In addition, M.P.E.P. § 802.03 outlines the proper procedure for examining Markush claims and states that “should the examiner determine that the elected species is allowable, the examination of the Markush-type claim will be extended.” Applicants respectfully submit that the amended claims are free of prior art and request the Office expand examination of the claims to the non-elected portion of the claims.

Method of use claims 84-98 currently stand withdrawn from consideration as being drawn to a non-elected invention. However, in accordance with MPEP §821.04(b), if Applicants elect claims directed to a product which is subsequently found allowable, the withdrawn process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder. Upon rejoinder of claims directed to a previously non-elected

process invention, the restriction requirement between the elected product and rejoined process claims will be withdrawn. It is submitted that the method claims as presented require all the limitations of the elected product (compound) claims. Thus, if the product claims are found allowable, the non-elected method of use claims (withdrawn) should be rejoined.

### **Rejection under 35 U.S.C. § 102(b)**

Claims 1-3, 6, 22, 25, 27, 28, 31, 33, 34, 36, 37, 39-41, 99, and 100 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Rao *et al.* (1985). In particular, the Office cites a few compounds which have the following structure.

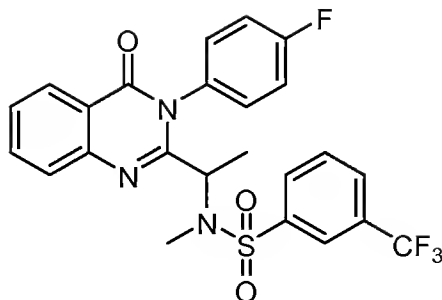


Claims 1, 2, 22, 25, 27, 40, and 41 are no longer pending, and, therefore, the rejection is moot with regard to these claims. Claim 3 has been amended to delete group  $-N(R^{24})C(O)R^{26}$  from the definition of  $R^{5a}$ . Thus, the amended claims do not allow for acetamide substitution of  $-SO_2$ -phenyl of  $R^5$ .

Therefore, the compounds of Rao do not fall within the scope of the amended claims and Applicants respectfully request reconsideration and withdrawal of the § 102(b) rejections of claims 3, 6, 28, 31, 33, 34, 36, 37, 39, 99, and 100.

### **Rejection under 35 U.S.C. § 102(e)**

Claims 1-4, 6, 22, 25, 27, 28, 31, 33, 34, 36, 40-42, 45, 46, 48, 99, and 100 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Baxter *et al.* (U.S. 6,545,005). In particular, the Office cites compound 14 in column 75, which has the following structure.



Claims 1, 2, 22, 25, 27, 40-42, 45, 46, and 48 have been canceled. Claim 3 has been amended to remove “haloalkyl” from the definition of R<sup>5a</sup>. Therefore, as amended, claim 3 does not allow for -CF<sub>3</sub> substitution of -SO<sub>2</sub>-phenyl of R<sup>5</sup> and is not anticipated by Baxter.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the § 102(e) rejections of claims 3, 4, 6, 28, 31, 33, 34, 36, 99, and 100.

### **Claim Objections**

Claims 5, 7, 10, 11, 30, 43, 49, 50, 101, and 103-105 are objected to for being dependent upon rejected base claim. Claims 43, 49, and 103-105 have been canceled. The objection to dependent claims 5, 7, 10, 11, 30, 50, and 101 is now moot in view of the above amendments and arguments.

In light of the all above arguments, the Applicant respectfully requests reconsideration and withdrawal of the rejections of the pending claims. If the Examiner believes it to be helpful, he is invited to contact the undersigned representative by telephone at (312) 913-0001.

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